

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**APR 10 2014**  
*[Signature]*  
CLERK

FIRST PREMIER BANK, PREMIER  
BANKCARD, LLC AND PREMIER  
NEVADA, LLC,

Plaintiffs,

VS.

ODYSSEAS PAPADIMITRIOU AND  
EVOLUTION FINANCE, INC.,

Defendants.

CIV. 14 - 4055

APPLICATION FOR  
PRELIMINARY INJUNCTION

Plaintiffs First PREMIER Bank, PREMIER Bankcard, LLC, and PREMIER Nevada, LLC (collectively, "PREMIER") Plaintiff PREMEIR Bankcard, LLC ("PREMIER"), by their attorneys Tarter Krinsky & Drogin LLP and Cadwell Sanford Deibert & Garry LLP, hereby move the Court for a Preliminary Injunction pursuant to Rules 65 of the Federal Rules of Civil Procedure and LR 65.1. As provided by the rules, PREMIER respectfully requests a hearing on the application for preliminary injunction. PREMIER further requests in issuing its order for a hearing on the preliminary injunction, that the Court permit evidence to be submitted in advance of the hearing by affidavit to expedite the proceedings. By this Application, PREMIER seeks to enjoin the Defendants their shareholders, officers, agents, servants, employees, attorneys and anyone acting in concert or participation with them by mandatory injunction from:

- (a) Appropriating and using the FIRST PREMIER name and mark for commercial purposes;

- (b) Using the FIRST PREMIER mark or any colorable imitation thereof in connection with offering, selling, advertising or promoting the sale of any goods or services or from otherwise using any name or mark confusingly similar thereto;
- (c) Infringing the FIRST PREMIER mark, and unfairly competing with PREMIER;
- (d) Placing on the Accused Website or any other website that is directly or indirectly owned, operated or controlled by Defendants graphic messages and any other information that appears in the screen when accessing that website, or a graphic message that appears in a link, “pop-up” advertisement or exit console appearing on such website that promotes First PREMIER’s credit card products, directs Internet users to websites where persons can apply for First PREMIER’s credit card products or directs Internet traffic to PREMIER’s websites;
- (e) Using in connection with the sale of any goods or services or the dissemination or distribution of advertising, promotional or marketing materials, a false or misleading description or representation including words or other symbols tending to deceive or cause confusion with PREMIER or the FIRST PREMIER mark; and
- (f) Breaching Section 10.B of the June 15, 2008 agreement between PREMIER South Dakota and defendant Evolution Finance, Inc.

In support of this Application, PREMIER refers the Court to its Complaint, PREMIER's Memorandum of Law in Support of Motion for a Preliminary Injunction, and the Declaration of Anthony McCord filed in conjunction herewith.

Dated: April 10, 2014

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By 

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